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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,013	08/28/2000	Yasukazu Nihei	Q58716	7581

7590 09/11/2003
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EXAMINER

ANGEBRANNDT, MARTIN J

ART UNIT PAPER NUMBER

1756

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Applicati n N .

09/649,013

Applicant(s)

NIHEI ET AL.

Examiner

Martin J Angebranndt

Art Unit

1756

--The MAILING DATE of this c mmunication appears n the cover sheet with th c rrespondence address --

THE REPLY FILED 19 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.


3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 2-12 and 19-21.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Martin J Angebranndt
Primary Examiner
Art Unit: 1756

Continuation of 5. does NOT place the application in condition for allowance because: With respect to the issue of new matter raised by the examiner. The examiner has cited several document and added machine translations thereof to the record. These are cited on the accompanying PTO 892. The partial documents submitted by the applicant are insufficient for the record. The examiner notes that numerous Japanese documents are cited and in the amendment of 3/5/2003 assumably replaced by US patent equivalents. No evidence to support this appears in the record. The declaration of Mr. NIHEI does not address this issue and is insufficient and should be supplemented by EVIDENCE that the documents are equivalents from STN or the like. The machine translation of JP 07-114188 from the JPO website indicates that the alicyclic and aromatic compounds disclosed with respect to R1-4 in the formula in section [0008] are only disclosed as useful in the unsubstituted (non-replaced) form. The examiner also notes that the citation of JP 2002-020224 in the added text is curious as this is directed to skin care products and not resist materials. The examiner beleives this is a typographical error, but defers to the applicant to ascertain this and correct as needed. The applicant is argueing a domain reversal is not disclosed in the prior art. The specification indicate sthat the application of a field with respect to the electrode will facilitate a domain reversal. (page 3/lines 7-17), therefore the use of the electrode neccesarly results in selected domain inversion. This is also disclosed in cited text in Byer et al. col. 13/lines 1-7, therefore the position is factually incorrect. The examiner also points out that frequency doubling could not occur in the absence of the domain reversal. The applicant argues that one of ordinary skill in the art would not turn to Thompson and Saito. The examiner holds that these are in a related field of endeavor and in particular Thompson is a general teaching in the photolithographic arts which points to the benefits of multilayered resists. The pitch of 0.6 taught in Yamanouchi et al. meets the 0.3 microns limitation and the Taguchi et al reference teaches periods of 1-30 microns which embraces the recited limitation. .


9/4/03